IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 9701 of 2007(E)

PETITIONER:

SMT.HALEEMA R.,
W/O.HASSANAR, MPM HOUSE, T.C.18/2108,
MUDUVANMUGAL, POOJAPURA,
THIRUVANANTHAPURAM-12.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

THE SOUTH INDIAN BANK LTD.,
REGIONAL OFFICE, HOTEL SAFA INTERNATIONAL
BUILDING, PB NO.473, MALAYALA MANORAMA ROAD,
THIRUVANANTHAPURAM-695 014, REPRESETNED BY THE
CHIEF MANAGER.

BY SHRI.K.PRABHAKARAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.9701 of 2007

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Dated this the 10th day of April, 2007

J U D G M E N T

The petitioner challenges the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. The respondent bank is the South Indian Bank, which is a scheduled bank in which the Government or any other governmental institutions have any shares or interest. It is settled law that against such banks, no writ petition would lie except in respect of public functions exercised by them. Recovery of the amounts given to the petitioner is not a public function. Further, the remedy available to the petitioner against the proceedings the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act is to file an appeal before the Debts Recovery Tribunal. Therefore, without prejudice to the right

of the petitioner to file such an appeal, this writ petition is dismissed. If the petitioner files appeal within one month, there would be a direction to the D.R..T to take up the appeal on file without any objection as to limitation and consider the same on merits. In order to enable the petitioner to move the D.R.T., further recovery steps shall stand stayed for one month, provided the petitioner has already paid the amount as directed in my interim order dated 22.3.2007.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.